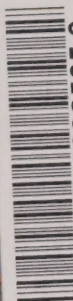


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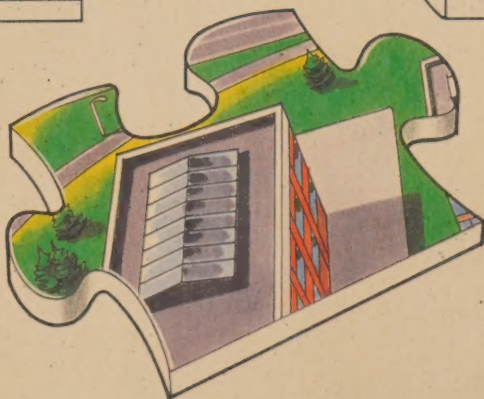


# **A CITIZEN'S GUIDE TO ENVIRONMENTAL ASSESSMENT**



Environment  
Environnement

Ontario





**Note:** The Environmental Assessment program is currently under review and proposed changes in the Act are expected to occur.

This brochure will be updated to reflect any changes in the legislation and, in the mean time, the information in this brochure is still applicable and a helpful guide to assist you in understanding the environmental assessment process in Ontario.

*\* disponible en français.*



**ABOUT THIS GUIDE**

This guide offers a general introduction to environmental assessment in Ontario. It explains the requirements of the Environmental Assessment Act and its implications, as well as the opportunities for public involvement throughout the process.

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# THE ENVIRONMENTAL ASSESSMENT ACT

The **Environmental Assessment Act** provides for the protection, conservation, and wise management of Ontario's environment. The Act is intended to promote good environmental planning and ensure that the public has the opportunity to comment on projects which may affect them. All aspects of the environment are considered in the planning process -- natural, social, cultural, economic and technical. The aims of the planning process are:

- To consider positive and negative environmental effects of a project.
- To provide sufficient information and justification to decide among alternatives to a project.
- To allow the Minister of the Environment, or the Environmental Assessment Board, to decide whether or not a project should be approved and how it should be carried out.

An environmental assessment document must be submitted to the Minister of the Environment for review and approval of a project. The document describes the proponent's planning process in evaluating alternatives and their impacts.



*The Environmental Assessment Act provides for the wise management of Ontario's environment.*



## PROJECTS SUBJECT TO THE ACT

All projects of Ontario Government Ministries and agencies, and major municipal projects, are subject to the **Act**.

Private projects are not routinely subject, but can be designated under the **Act** by Cabinet. Federal government projects are not subject.

For Projects that are subject to the **Act** there are three possible ways to ensure that the legislative requirements are met:

1. Individual Assessment
2. Class Assessment
3. Exemption

Each of these are discussed in the following pages:

Individuals, groups or agencies concerned about the application of the **Act** to a specific project should contact the Environmental Assessment Branch.

Inquiries should be made to:

Environmental Assessment Branch  
Ministry of the Environment  
250 Davisville Avenue,  
5th Floor  
Toronto, Ontario  
M4S 1H2

(416) 440-3450 (general inquiries)

# INDIVIDUAL ENVIRONMENTAL ASSESSMENTS

## PRE-SUBMISSION CONSULTATION

A proponent whose project is subject to the **Act** is required to submit an environmental assessment document to the Minister of the Environment for review, acceptance and approval. The key steps in the environmental assessment process are:

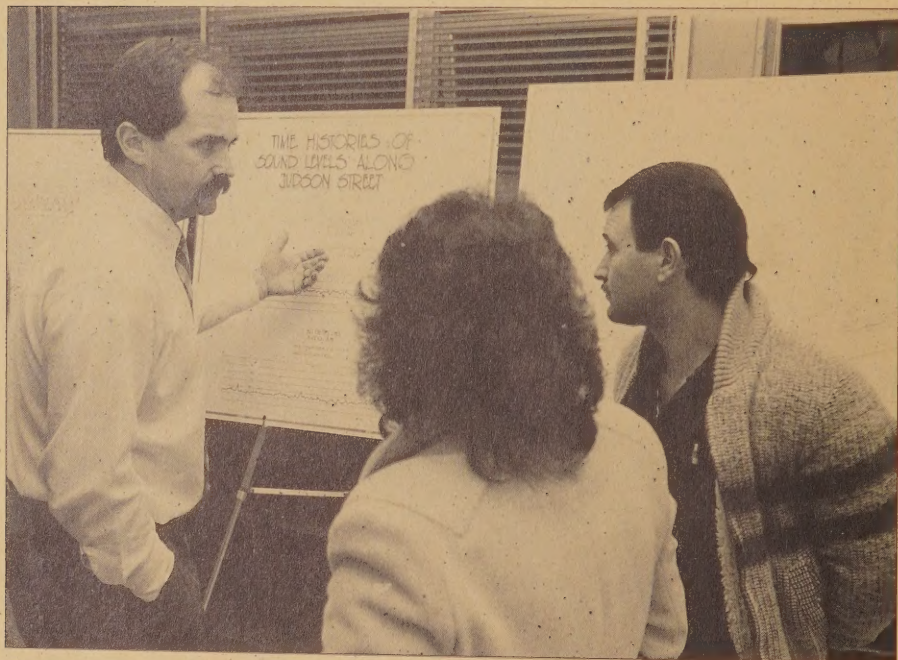
1. The proponent consults with the Environmental Assessment Branch on the Act's requirements.
2. The proponent consults with interested Government Ministries, agencies, and public groups and deals with their concerns.
3. The proponent prepares the environmental assessment document.
4. The proponent submits it to the Minister of the Environment.
5. The Environmental Assessment Branch conducts a review of the document by consulting with those Ministries, agencies and groups which have an interest in the proposed project.



*Consultation with interested Government Ministries and agencies is crucial in preparing the environmental assessment document*



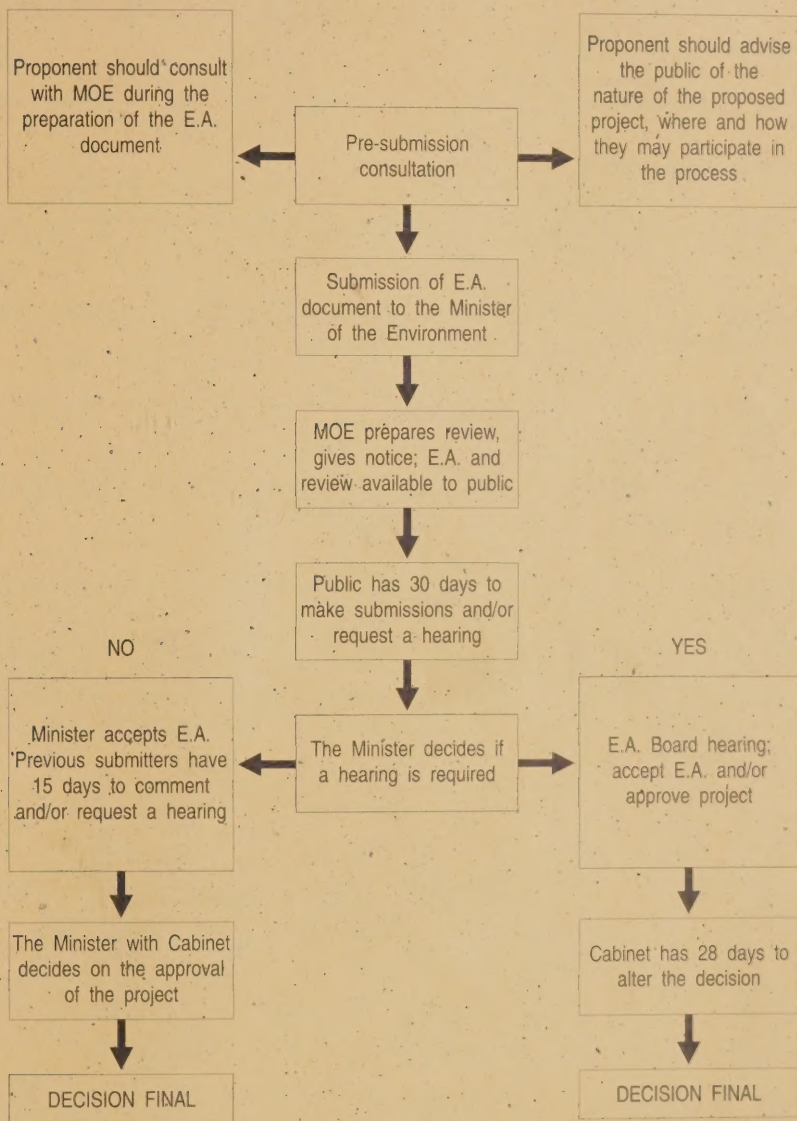
6. A review is published and the public is invited to make submissions on the project. A hearing before the Environmental Assessment Board can be requested at this stage. Written reasons for the hearing should accompany the request. Hearings held at the Minister's discretion.
7. The Minister accepts the environmental assessment document or calls for further research or revisions.
8. The Minister of the Environment, or the Environmental Assessment Board, decides whether or not to approve the project. Within 28 days of the Board's decision parties can ask the Minister to alter the decision. The Minister, with the approval of Cabinet, may also alter the Board's decision or require a new hearing, within the same 28-day period.
9. If approval is granted, the proponent can proceed with the project. Terms and conditions may apply.



*Open houses give the public an opportunity to comment on a proposed project.*



## PUBLIC PARTICIPATION IN THE ENVIRONMENTAL ASSESSMENT PROCESS



**NOTE:** E.A. refers to Environmental Assessment  
M.O.E. refers to Ministry of the Environment

## **THE ENVIRONMENTAL ASSESSMENT DOCUMENT**

The environmental assessment document describes the proponent's planning process and key decisions. The contents of the environmental assessment are defined by the **Environmental Assessment Act**.

The assessment document must:

1. Describe the project.
2. State and describe the reasons behind the project, alternatives to the project, and alternate means of carrying it out.
3. Describe how the project, its alternatives, and alternate means of carrying it out, will affect the environment directly and indirectly.
4. Describe the effects and list the actions necessary to prevent, change, lessen, or remedy those effects.
5. Evaluate the advantages and disadvantages to the environment of the project, its alternatives, and the alternate means of carrying it out.

## **REVIEW**

The environmental assessment document is reviewed by all affected government agencies after it is submitted to the Ministry of the Environment. Review comments are then made available to the public along with the environmental assessment. The public has a period of 30 days in which to make a submission to the Minister and/or request a hearing.



### ENVIRONMENTAL ASSESSMENT BOARD

The Environmental Assessment Board is a decision-making body appointed by the Cabinet. It has the power to decide on the acceptability of environmental assessment documents and the approval of projects.

The Minister of the Environment can require a hearing on the acceptance of the assessment document, or the approval of a project, or both. Proponents and members of the public may also request a hearing by the Board on these matters.

Board decisions are final unless an appeal to Cabinet is made within 28 days.

### CONSOLIDATED HEARINGS ACT

Some projects may require approval under other legislation. To avoid the time and expense of multiple hearings, proponents can apply for a joint board hearing -- also called a consolidated hearing -- under the **Consolidated Hearings Act**.



*Environmental Assessment Board hearings are held at the Minister's discretion.*

## CLASS ENVIRONMENTAL ASSESSMENTS

There are many provincial and municipal projects which occur frequently and have a predictable range of relatively minor effects on the environment. The class environmental assessment was developed to achieve a reasonable application of the **Act** to these types of projects. Individual projects in a class do not need their own environmental assessment approval.

The approved class environmental assessment document describes the procedures that each class project must follow during planning and construction. It also requires public involvement in the planning of the project and documentation of the planning process.

Provisions exist for the public to request an individual assessment of a project if significant environmental effects and public concerns are evident.



*Road widening projects have a predictable range of minor environmental effects.*



## EXEMPTIONS

A project can be exempted from the **Act** under certain circumstances. Projects having minimal anticipated environmental effects are eligible for exemption. An exemption may also be granted by the Minister with the approval of Cabinet where the project is in the public interest, or in emergency situations. Proponents are advised by the Environmental Assessment Branch to inform the public when seeking exemptions for individual projects.

A request for an exemption should be accompanied by a detailed description of the environmental effects of the project, public and government involvement in the planning of the project, and any other matters considered relevant to the application. Cabinet may impose conditions on the project after reviewing this material.

## DESIGNATIONS

Projects to which the **Act** does not apply can be designated by Cabinet if significant environmental effects are anticipated. A written request with reasons for designation should be submitted to the Minister. The proponent should also be informed of the designation request.

## ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

The Environmental Assessment Advisory Committee is made up of members of the public that are appointed to provide advice to the Minister of the Environment on designating or exempting projects, or on other matters concerning the **Act**. The Minister may ask the committee to consult affected parties and interest groups. Often, a public meeting is held. The Committee submits a report to the Minister which is made available to the public after the Minister has made a decision on the exemption or designation request, or on other matters concerning the **Act** where the Minister has asked for advice.

## PUBLIC RECORD

An environmental assessment is a public document when submitted to the Minister of the Environment. When public notice is issued, the government review is also open to public inspection.

Any written submissions, decisions of the hearing board or the Minister, and other relevant notices or orders by the Minister, are also on the Public Record, so is any notice by the proponent concerning withdrawal or amendment of the environmental assessment document.

The Public Record is maintained by the Environmental Assessment Branch. Reference copies of the assessment document and the review are available at local Ministry offices as long as the project is active. Copies of key documents are also available at local municipal offices and other local institutions, where appropriate, to ensure good public access.



*The Environmental Assessment Branch maintains a Public Record.*



The following offices of the Ministry of the Environment can be contacted for information concerning specific environmental assessments.

**Northwestern Region**

P.O. Box 5000  
435 James St. South  
3rd Floor  
Thunder Bay, Ontario  
P7C 5G6  
(807) 475-1205

**Northeastern Region**

199 Larch Street  
11th Floor  
Sudbury, Ontario  
P3E 5P9  
(705) 675-4501

**Southwestern Region**

985 Adelaide St. South  
London, Ontario  
N6E 1V3  
(519) 661-2200

**Southeastern Region**

P.O. Box 820  
133 Dalton Street  
Kingston, Ontario  
K7L 4X6  
(613) 549-4000

**Central Region**

7 Overlea Boulevard  
4th Floor  
Toronto, Ontario  
M4H 1A8  
(416) 424-3000

**West Central Region**

P.O. Box 2112  
119 King Street West  
12th Floor  
Hamilton, Ontario  
L8N 3Z9  
(416) 521-7640

**Environmental Assessment Branch**

Ministry of the Environment  
250 Davisville Avenue, 5th Floor  
Toronto, Ontario  
M4S 1H2  
(416) 440-3450

**NOTE:** Prior notice to review files is appreciated.

## RESOURCES

**Environmental Assessment Act.\***

**Consolidated Hearing Act, 1981.\***

\* Available from:

Publications Ontario.  
880 Bay Street,  
5th Floor  
Toronto, Ontario  
M7A 1N8  
In Toronto: 326-5300  
Other Communities: 1-800-668-9938  
Area Code: 807 Zenith: 67200

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*Project Screening and Application for Exemption Orders Under Section 29 of the Environmental Assessment Act.*

*Interim Guidelines on Environmental Assessment Planning and Approvals.*

*Policy on the Role of the Review and the Review Participants in the EA Process.*

*Guidelines and Policy on Pre-Submission Consultation in the Environmental Assessment Process.*

*EA Update (A bi-annual publication of the Environmental Assessment Branch).*

For information and copies of the above contact:

Environmental Assessment Branch  
Ministry of the Environment  
250 Davisville Avenue, 5th Floor  
Toronto, Ontario  
M4S 1H2  
(416) 440-3450







Environmental Assessment Act.\*  
Consolidated Hearing Act, 1981.\*

\* Available from:

Publications Ontario  
880 Bay Street, 5th Floor  
Toronto, Ontario  
M7A 1N8  
In Toronto: 326-5300  
Other Communities: 1-800-668-9938  
Area Code: 807 Zenith: 67200

Guidelines and Policy on Pre-Submission Consultation in the EA Process.  
Project Screening and Application for Exemption Orders Under Section 29 of the  
Environmental Assessment Act.  
Interim Guidelines on Environmental Assessment Planning and Approvals.  
Policy on the Role of the Review and the Review Participants in the EA Process.  
EA Update (A bi-annual publication of the Environmental Assessment Branch).  
Environmental Assessment Advisory Committee Annual Reports.  
For Information And Copies of the Above Contact:

Environmental Assessment Branch  
Ministry of the Environment  
250 Davisville Avenue, 5th Floor  
Toronto, Ontario  
M4S 1H2  
(416) 440-3450



An environmental assessment becomes a public document when submitted to the Minister of the Environment. When the "Notice of Completion" is issued, the government review is also open to public inspection.

Written submissions, any decisions of the hearing Board or the Minister, and any relevant notice or order by the Minister are also on the Public Record, as is any notice by the proponent concerning withdrawal or amendment of the environmental assessment document.

Other documents produced during the course of a review or hearing are also on the Public Record.

The Environmental Assessment Branch maintains the Public Record. Reference copies of the assessment document and the review are available at the Ministry until the project is completed. Copies of key documents are also accessible at local municipal offices, and other public buildings as appropriate.



*The Environmental Assessment Branch maintains the Public Record.*

Projects to which the Act does not apply can be designated under the Act by Cabinet with reasons, should be submitted to the Minister of the Environment. The proponent should also be informed of the designation request.

## ENVIRONMENTAL ASSESSMENT ADVISORY COMMITTEE

The Environmental Assessment Advisory Committee is made up of members of the public. They are appointed by the Minister to give advice on designating or exempting specific projects from the Act. The Committee may consult with the affected public, and interest groups, depending on the nature of the advice sought by the Minister. Once a decision has been made on the exemption or designation, any reports that the Committee submits to the Minister are made available to the public.



*The Environmental Assessment Advisory Committee may hold meetings to determine public concerns about a proposed project.*

Valid reasons for exempting projects from the environmental assessment process may exist. A proponent considering applying to the Minister for an exemption should first go to the public and government agencies for their advice. Their views should be considered before submitting an exemption request to the Minister.

### **GROUNDNS FOR EXEMPTION**

**Minimal Environmental Impact Anticipated:** Projects without significant environmental effects may be exempted.

**An Emergency:** Exemption is appropriate where emergency action is required to prevent damage, injury or interference to people or property.

**Public Interest:** Where an identified public interest would be served, an exemption may be granted.

### **APPLYING FOR EXEMPTION**

As soon as an exemption is being considered, contact the Environmental Assessment Branch for advice and consult the Guidelines on Project Screening and on Making Application for an Exemption.

### **WHO GRANTS EXEMPTIONS**

With Cabinet approval, the Minister of the Environment can grant an exemption for projects.



There are many provincial and municipal projects which occur frequently and have a predictable range of relatively minor effects on the environment. The class environmental assessment process was developed to achieve a reasonable application of the Act to these types of projects. Class environmental assessments are submitted, reviewed, accepted and approved in a manner similar to individual environmental assessments.

Once a class environmental assessment has been approved, the proponent plans, constructs, and operates projects according to procedures set out in the class assessment document. Provisions exist for requiring individual environmental assessments of projects if significant effects are anticipated.

Class assessments can require:

- the documentation of the proponent's planning process.
- public notice.
- monitoring and mitigation of harmful effects.
- designation of specific projects in the class for individual assessment.
- an expiry date on the approval of the class assessment.

Approval of a class environmental assessment means approval to proceed with the projects which fall into that class, subject to the procedures set out in the class environmental assessment document.

The Environmental Assessment Branch can be contacted for more information on class projects.

A proponent seeking a consolidated hearing must formally request one in writing, from the:

Hearings Registrar  
Environmental Assessment Board  
P.O. Box 2382  
2300 Yonge Street, 12th Floor  
Toronto, Ontario  
M4P 1E4  
(416) 323-4814

The application must describe the project as well as the hearings that might be required, and the pertinent regulations and Acts.

For further information consult the *Consolidated Hearings Act* and the Ministry of the Environment's *Interim Guidelines on Environmental Assessment Planning and Approvals*.



Anyone can request a hearing before the Environmental Assessment Board.

## ENVIRONMENTAL ASSESSMENT BOARD

The Environmental Assessment Board is a decision-making body appointed by Cabinet. It has the power to decide on the acceptability of environmental assessment documents and the approval of projects.

The Minister of the Environment can require a hearing on the acceptance of the environmental assessment document, or the approval of a project, or both.

Proponents and members of the public may also request a hearing by the Board on these matters.

Board decisions are final unless appealed to Cabinet within 28 days.

## CONSOLIDATED HEARINGS ACT

Some projects may require approval under more than one piece of legislation. To avoid the time and expense of multiple hearings, proponents can apply for a joint board hearing — also called a consolidated hearing — under the *Consolidated Hearings Act*.

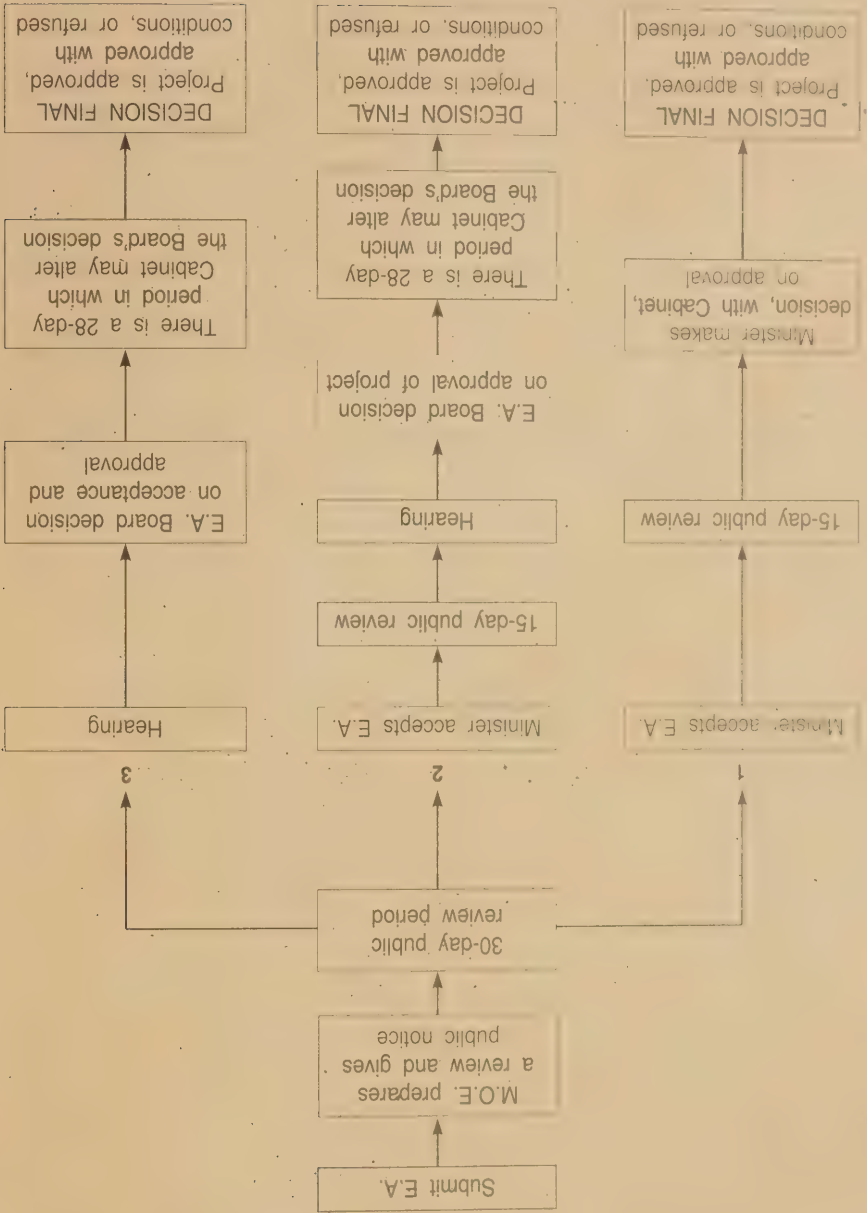


- Parties have 28 days to ask the Minister to alter the Board's decision. Within that period the Minister has the right, with Cabinet's approval, to alter a decision by the Environmental Assessment Board or order a new hearing.
- Once approval is final, the proponent may proceed, subject to any conditions of approval. These could include:
  - reporting to the public, the Ministry of the Environment, or other Ministries, at certain stages of construction and operation.
  - mitigation measures and monitoring of effects:



*Construction may start after approval has been given under the Act.*

# THREE ROUTES TO DECISION



NOTE: E.A. refers to Environmental Assessment  
M.O.E. refers to Ministry of the Environment

## ROUTES TO DECISION

Depending on whether or not a hearing is requested, the decisions required under the Act may follow one of three routes:

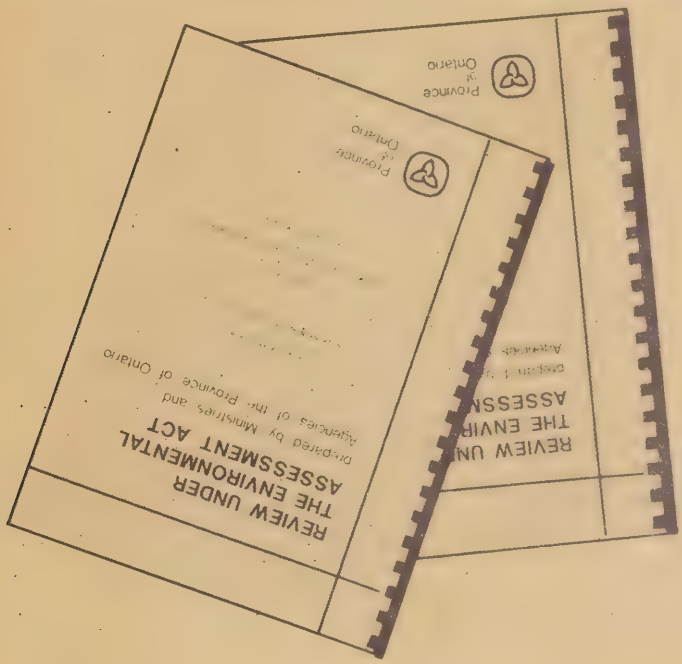
1. The Minister decides no hearing is required and makes a decision on the environmental assessment document. The Minister may accept it, amend it, or return it for modification. If the changes are unacceptable to the proponent, or another party who made a submission, then either has the right to require a hearing on acceptance of the environmental assessment document (see route 3). Once the Minister accepts the environmental assessment document, a "Notice of Acceptance" is issued.
2. The Minister decides as above on acceptability of the environmental assessment document, but refers the decision on approval of the project to the Environmental Assessment Board for a hearing (See route 2).
3. The Minister may refer the matter to the Environmental Assessment Board for a hearing and decisions on both acceptance of the environmental assessment document and approval of the project (see route 3).



Acceptance of the environmental assessment document means that all requirements of the Act have been addressed in enough detail to allow a decision to be made on the approval of the project. The adequacy of the environmental assessment document is based on the review and any submissions made to the Minister during the review period.

**Note:** A proponent can withdraw or amend an environmental assessment document any time before the "Notice of Completion" of the review is published. After that time a proponent may withdraw or amend the assessment document, subject to any terms and conditions that the Minister may impose.

No approvals, licences, grants, loans, or permits required for the project under other legislation or regulations can be given until the environmental assessment document is accepted and the project is approved.



The review of an environmental assessment document is based on comments from provincial ministries and agencies.

## REVIEWING THE ENVIRONMENTAL ASSESSMENT DOCUMENT

Following submission of the environmental assessment document, the Minister:

- has government agencies review the environmental assessment document
- has a review prepared
- solicits public comments
- decides on the acceptability of the environmental assessment document
- decides on the approval of the proposed project, with the agreement of Cabinet

The review assists the Minister in making a decision on the acceptability of the environmental assessment document and approval of the project. This review is based on comments from the provincial ministries and agencies and is coordinated by the Environmental Assessment Branch.

Once the review is completed, it is published and the Minister issues a "Notice of Completion" to the proponent, any affected municipality, and the public. The Notice states that the environmental assessment document and the review are now open for public inspection. It will also indicate where the document and review can be inspected. The public is given a period of 30 days to make submissions to the Minister.

Anyone may make a submission to the Minister and request a hearing by the Environmental Assessment Board. If a hearing is requested, reasons for the request should be given in writing.

The environmental assessment document describes the proponent's planning process and key decisions. The contents of the environmental assessment are defined by the *Environmental Assessment Act*.

The assessment document must:

1. Describe the project.
2. State and describe the reasons behind the project, alternate means of carrying it out, and alternate means of carrying it out.
3. Describe how the project, its alternatives, and alternate means of carrying it out, will affect the environment directly and indirectly.
4. Describe the effects and the actions necessary to prevent, change, lessen, or remedy those effects:
5. Evaluate the advantages and disadvantages to the environment of the project, its alternatives, and the alternate means of carrying it out.

A proponent should consult, on a continual basis, with affected parties as information is gathered. What a proponent learns in preparing the assessment can improve the final project. A proponent should take full advantage of the network of contacts established during the pre-submission consultation phase.

The environmental assessment document should be readily understood by the reviewers as well as the public. When the planning process and the assessment document are completed, the proponent must submit the document to the Minister.

The benefits of pre-submission consultation include:

- Interested parties provide information and expertise.
- Issues are defined and focused.
- Assistance in deciding on evaluation methods and techniques is provided.
- A range of alternatives is identified and analysed.
- Information to be included in the environmental assessment document is provided.
- Problems are identified before planning is too far advanced and changes become difficult.
- Time and money are saved.
- Ultimately, more informed decisions are made based on a full exchange of government and community ideas.

**Note:** Guidelines on pre-submission consultation are available from the Environmental Assessment Branch.



PRE-SUBMISSION CONSULTATION

Proponents are expected to consult the public and government agencies before submitting an environmental assessment. This is not a requirement of the *Environmental Assessment Act* but is a policy of the Ministry of the Environment. Early consultation with affected public and government agencies provides crucial information and allows timely identification of issues to be addressed. The proponent is then in a position to resolve issues before a formal assessment document is submitted to the Minister.

The Environmental Assessment Branch can help proponents draft terms of reference for the assessment process. An environmental planner in the Branch will advise on what an environmental assessment must contain to meet the requirements of the Act. The planner will also help identify Government ministries, agencies, and various public groups who may be interested in the proponent's environmental assessment. The agencies and members of the public may have information and expertise which can be of help in preparing an environmental assessment document and obtaining approval. Their concerns should be identified and addressed before the proponent makes irreversible decisions.

If the proponent addresses these concerns, there should be few surprises in the approvals process. It is during the formal review that the value of pre-submission consultation efforts become evident.



Consultation is crucial in preparing the environmental assessment document

**Note:** For projects that are subject to the Act there are three possible ways to ensure that the requirements of the Act are met:

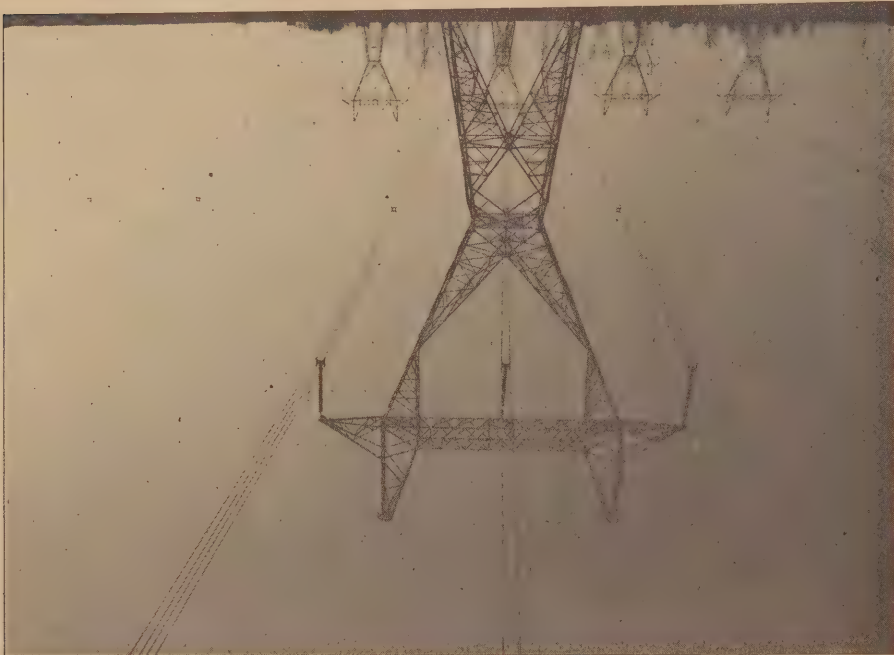
1. Individual Assessment
2. Class Assessment
3. Exemption

Each of these are discussed in the following pages.

Individuals, groups or agencies can confirm the application of the Act to a project by contacting the Environmental Assessment Branch.

Inquiries can be made to:

Environmental Assessment Branch  
Ministry of the Environment  
250 Davisville Avenue, 5th Floor  
Toronto, Ontario  
M4S 1H2  
(416) 440-3450 (general inquiries)



*Environmental assessment applies to the planning of Ontario Hydro's transmission corridors.*

**PROVINCIAL PROJECTS**

The *Environmental Assessment Act* applies to all projects of Ontario Government Ministries and agencies.

**MUNICIPAL PROJECTS**

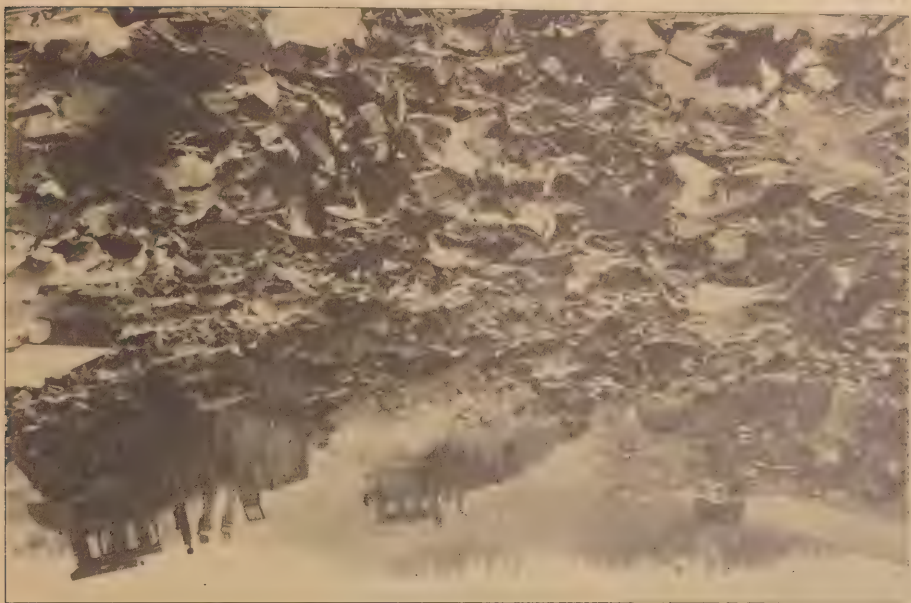
The Act applies to all municipal projects including public utility commission and conservation authority projects.

**PRIVATE SECTOR PROJECTS**

These projects are not routinely subject to the *Environmental Assessment Act*. However, private sector projects can be made subject to the Act if the potential impacts of the proposed undertaking warrant an environmental assessment. Private developers may also choose to conduct an environmental assessment for specific proposals.

**FEDERAL GOVERNMENT AND AGENCY PROJECTS**

These projects are not subject to the provincial *Environmental Assessment Act*. The federal government may apply its Environmental Assessment and Review Process (EARP) to federal programs and projects, or to private sector projects in areas of federal jurisdiction.



Municipal waste management is subject to environmental assessment.

*The Environmental Assessment Act* provides for the protection, conservation, and wise management of Ontario's environment. The Act is intended to promote good environmental planning. The Act defines "environment" as the natural ecosystem plus social, cultural and economic conditions. All these aspects of the environment must be considered in the preparation of an environmental assessment.

The aims of the planning process are:

- To consider positive and negative environmental effects of proposed projects.
- To provide sufficient information and justification to decide among alternatives to a project, including the decision to proceed with the project.
- To allow the Minister of the Environment, or the Environmental Assessment Board, to decide whether or not a project, or one of its alternatives, should be approved.



*The Environmental Assessment Act provides for the wise management of Ontario's environment.*





This guide offers an introduction to environmental assessment in Ontario. It provides an explanation of the planning and approval process that proponents follow to meet the requirements of the Environmental Assessment Act.

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*\* disponible en français.*

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This brochure will be updated to reflect any changes in the legislation and, in the mean time, the information in this brochure is still applicable and a helpful guide to assist you in understanding the environmental assessment process in Ontario.





# A PROPOSANT'S GUIDE TO ENVIRONMENTAL ASSESSMENT

